IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.3837 OF 2003

Konarknagar Co-operative Housing Society Ltd.).. Petitioner

Versus

Smt.Kashibai D. Dherange and others).. Respondents

Mr.T.B.Dalal for the Petitioner.

Mr.Nitin A.Kulkarni for the Respondents.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 9TH AUGUST 2004

P.C.:

. The Petitioner has approached this Court for setting aside the order of the Labour Court, Pune which has dismissed the Misc. Applications filed by the Petitioner. The Misc. Applications were filed by the Petitioner in order to set aside the ex-parte Award granted in favour of the Respondent workmen. A submission is made on behalf of the Petitioner that the Officers of the Society were not able to remain present in the Court when the Reference was decided and, therefore, plead that the ex-parte Award be set aside. The amount payable to all the Respondents as back wages calculated at the last draw wages is around Rs.3,80,000/-.

2. An arguable case has been made out by the Petitioner, but in order to set aside the ex-parte Award, the Petitioner will have to deposit the amount of Rs.3,80,000/- in Court.

3. In the event the amount of Rs.3,80,000/- is deposited by the Petitioner in the Labour Court, Pune within twelve weeks from today, the ex-parte Award and the order passed in the Misc. Applications shall be set aside and the Labour Court shall hear the References on merits, namely, Reference (IDA) Nos.332/1993, 333/1993, 334/1993, 335/1993, 337/1993 and 338/1993.

4. Writ Petition disposed of accordingly.